

# MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large  
Claude F. Guidroz, Ward I  
Audwin Samuel, Ward III  
Tyrone E. Cooper, City Attorney

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
October 13, 2015  
Kyle Hayes, City Manager

Gethrel Wright, At-Large  
Michael D. Getz, Mayor Pro Tem  
Robin Mouton, Ward IV  
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **October 13, 2015**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

## OPENING

- \* Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition - Receive a report from the Texas Energy Museum  
Receive a report from the Art Museum of Southeast Texas
- \* Public Comment: Persons may speak on scheduled agenda items 1-3/Consent Agenda
- \* Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor "Big" Jim Selles of West End Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Getz, Councilmembers Guidroz, Wright, Pate, Samuel and Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

## Proclamations, Presentations, Recognitions

None

**Public Comment:** Persons may speak on scheduled agenda items 1-3/Consent Agenda.

**Landry Rountree**

**1565 S. Major Dr.**

**Beaumont TX**

Spoke to Council in regards to Item B on the Consent Agenda; authorize the settlement of the lawsuit styled Erik Kvarme, et al v. The City of Beaumont, et al; Cause No. D-179,887

## CONSENT AGENDA

- \* Approval of minutes – **October 6, 2015**
- \* Confirmation of committee appointments – **Resolution 15 – 222**

Barbara White would be appointed to the Parks and Recreation Advisory Committee. The term would commence October 13, 2015 and expire October 12, 2017. (Mayor Becky Ames)

Steve McGrade would be reappointed to the Parks and Recreation Advisory Committee. The current term would expire July 14, 2017. (Councilmember W. L. Pate, Jr.)

Gwen Ambres would be reappointed to the Parks and Recreation Advisory Committee. The current term would expire September 5, 2017. (Councilmember Gethrel Williams-Wright)

MacArthur English would be reappointed to the Parks and Recreation Advisory Committee. The current term would expire September 6, 2017. (Councilmember Gethrel Williams-Wright)

Emily Coxe would be reappointed to the Parks and Recreation Advisory Committee. The current term would expire September 19, 2017. (Councilmember Mike Getz)

Norma Sampson would be reappointed to the Community Development Advisory Committee. The current term would expire September 3, 2017. (Mayor Becky Ames)

Valerie Linton would be reappointed to the Convention and Tourism Advisory Board. The current term would expire September 5, 2017. (Councilmember Gethrel Williams-Wright)

Mercy Cook would be reappointed to the Library Commission. The current term would expire September 12, 2017. (Councilmember Gethrel Williams-Wright)

Alma Hodge would be reappointed to the Police Department Community Development Advisory Committee. The current term would expire September 3, 2017. (Councilmember Gethrel Williams-Wright)

- A) Approve a one year contract with the Art Museum of Southeast Texas for FY 2016 – **Resolution 15 - 223**
- B) Authorize the settlement of the lawsuit styled Erik Kvarme, et al v. The City of Beaumont, et al; Cause No. D-179,887 – **Resolution 15 - 224**
- C) Approve the renewal of an annual maintenance agreement for SunGuard Public Sector software support for use by all City Departments – **Resolution 15 - 225**
- D) Approve a one year contract with the Texas Energy Museum for FY 2016 – **Resolution 15 - 226**
- E) Authorize the City Manager to execute an Earnest Money Contract for the sale of a vacant 1.104 acre strip of land between Smart Street and West Cedar Street – **Resolution 15 - 227**
- F) Approve a resolution nominating C. L. Sherman to the Board of Directors of the Jefferson County Appraisal District – **Resolution 15 - 228**
- G) Authorize the City Manager to enter into an amended Interlocal Agreement with the Texas Department of Public Safety related to the 800 MHz radio system – **Resolution 15 - 231**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Wright seconded the motion.

**AYES:** MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT,  
PATE, SAMUEL AND MOUTON

**NAYS:** NONE

**MOTION PASSED**

## **GENERAL BUSINESS**

1. Consider a resolution authorizing an amendment to the Engineering Service Contract with Lockwood, Andrews & Newnam, Inc. (LAN), for Phase Two of the Storm Water Master Plan.

On November 12, 2014, by Resolution No. 14-244, City Council authorized the City Manager to execute an Agreement with Lockwood, Andrews & Newnam, Inc. (LAN) of Houston, Texas in the amount of \$500,000 for Phase One (1) of the Master Drainage Plan. The purpose of this contract is to develop a master drainage plan with sufficient, up-to-date, and accurate information to systematically plan and manage future drainage improvements.

The original agreement executed on November 17, 2014 was understood by the City and LAN that the project would be divided into three (3) phases with a total budget of \$1,500,000 and \$500,000 designated per phase. LAN is pleased to report that Phase One (1) is progressing according to schedule and within the initial \$500,000 budget. A map of the areas included within each phase is attached.

Capital Program.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES CONTRACT BETWEEN THE CITY OF BEAUMONT AND LOCKWOOD, ANDREWS & NEWMAN, INC., (LAN), IN THE AMOUNT OF \$500,000 FOR PHASE TWO (2) OF THE STORM WATER MASTER PLAN.** Councilmember Guidroz seconded the motion.

**AYES:** MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT,  
PATE, SAMUEL AND MOUTON

**NAYS:** NONE

**MOTION PASSED**

## **Resolution 15 - 229**

2. Consider a resolution authorizing the purchase of office furnishings for the new Health Department facility from Hernandez Office Solutions.

On March 4, 2014, by Resolution No. 14-058, City Council awarded a contract with N & T Construction Company, Inc., of Beaumont, Texas for the construction of the new Beaumont Public Health Department.

Pricing was obtained through the Texas Multiple Awards Schedule (TXMAS), a State of Texas cooperative purchasing association providing cities and political subdivisions with the means to purchase equipment and supplies at volume pricing. TXMAS complies with the State of Texas procurement statutes.

The City received a quote from Hernandez Office Solutions dated October 5, 2015 through TXMAS Contract # 3-7111010 in the amount of \$151,693.53 to furnish the entire Beaumont Health Department.

WIC Grant in the amount of \$14,817.81 and the remaining balance of \$136,875.72 from the Capital Reserve Fund.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO APPROVE THE PURCHASE OF OFFICE FURNISHINGS FROM HERNANDEZ OFFICE SOLUTIONS, OF NEDERLAND, TEXAS IN THE AMOUNT OF **\$151,693.53** THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) CONTRACT FOR USE BY THE PUBLIC HEALTH DEPARTMENT IN THE NEWLY CONSTRUCTED BEAUMONT PUBLIC HEALTH FACILITY. Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

**MOTION PASSED**

### **Resolution 15 - 230**

3. Consider an ordinance denying the Entergy Texas, Inc. application for Distribution Cost Recovery Factor rate increase on file with the City of Beaumont.

By letter delivered on September 4, 2015, Entergy Texas, Inc. (ETI) filed an application with the City of Beaumont for authority to implement a Distribution Cost Recovery Factor (DCRF). Entergy has at the same time filed the application with the Public Utility Commission of Texas (PUCT) covering its customers located outside the cities boundaries. A DCRF allows the electric utility to make adjustments to an existing rider based upon changes in its distribution investment capital. In September 2014, Entergy filed a similar request in the amount of \$7 million in additional annual revenue to cover increased distribution expenses. The PUCT approved \$3.6 million of the \$7 million request on February 4, 2015. The present request is for an additional \$6.5 million annually over and above the \$3.6 million approved by the Commission.

If approved, ETI will collect a total of \$10.1 million in DCRF revenue annually. It is proposed that the residential customer would be charged approximately \$6.4 million or 64% of the requested increase, which translates to approximately \$1.09 per month for an average residential customer using a 1,000 kWh hours of electricity per month.

The DCRF request follows a different process than the typical base rate case where the City has an opportunity to suspend the request to allow for an opportunity to analyze the request. With the DCRF, the City has 60 (sixty) days from the filing date to approve, modify, or deny the request. The Cities' retained utilities attorney and rate consultants have preliminarily analyzed this request and are recommending denial of the application. Denial is recommended at this time for the reason that the company has not substantiated its request to the satisfaction of the consultants. Additional requested information is yet to be provided which would allow a complete analysis and investigation. The denial of the application by the Cities would allow for an appeal to the Public Utility Commission of Texas for a full review and ultimate resolution.

The reasonable expenses associated with rate cases are reimbursable by the company as provided for in the Public Utility Regulatory Act.

Approval of the ordinance.

Councilmember Wright moved to DENY AN ORDINANCE ENTITLED AN ORDINANCE BY THE CITY OF BEAUMONT, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON SEPTEMBER 4, 2015; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS. Councilmember Samuel seconded the motion.

**AYES:** MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

**NAYS:** NONE

**MOTION PASSED**

**Ordinance 15 - 043**

## **WORKSESSION**

- \* Review and discuss appointments to various Boards, Commissions and Committees

City Manager, Kyle Hayes discussed the various Boards, Commissions and Committees, stated that all of the Boards, Commissions and Committees all have two year terms except the Planning and Zoning Commission and the Small Business Revolving Loan Fund Board. It was the consensus of Council to make all Boards, Commissions and Committees would all have terms that would coincide with the City's fiscal year which is October 1st through September 30th for two year terms

## **COUNCILMEMBER COMMENTS**

**COUNCILMEMBER GUIDROZ -**

COMMENTED ON HIS BEING OUT OF THE CITY AND GLAD TO BE BACK HOME IN BEAUMONT, GAVE CONDOLENCES TO ANGIE THOMAS AND HER FAMILY ON THE LOSS OF HER AUNT, ALSO COMMENTED ON THE WIN BY LAMAR UNIVERSITY AS WELL AS THE ASTRO'S WIN

**MAYOR PRO TEM GETZ -**

ANNOUNCED OKTOBERFEST AT ROGERS PARK ON SATURDAY, OCTOBER 17, 2017 FROM 3:00. P.M., TO 9:30 P.M.

**COUNCILMEMBER WRIGHT -**

COMMENTED ON DOGTOBERFEST AND WHAT A GREAT EVENT IT WAS, CONDOLENCES TO ANGIE THOMAS AND HER FAMILY ON THE LOSS OF HER AUNT, ALSO COMMENTED ON A 100<sup>TH</sup> BIRTHDAY PARTY THAT SHE ATTENDED ON SATURDAY WITH PAUL AND CINDY MONTEZ

**COUNCILMEMBER PATE -**

PRAYERS GO OUT TO ANGIE THOMAS AND HER FAMILY ON THE LOSS OF HER AUNT, COMMENTED ON DOGTOBERFEST AND WHAT A GREAT EVENT IT WAS, ANNOUNCED OKTOBERFEST ON SATURDAY, OCTOBER 17, 2015, CONGRATULATED CONN'S ON ITS 125TH ANNIVERSARY, SPOKE IN REGARDS TO LAMAR UNIVERSITY AND THEIR FOOTBALL PROGRAM, STATED THAT THEY WERE 2-1 IN CONFERENCE

**COUNCILMEMBER SAMUEL -**

EXTENDED CONDOLENCES TO ANGIE THOMAS AND HER FAMILY ON THE LOSS OF HER AUNT, STATED THAT HE HAD A DOGON GOOD TIME AT DOGTOBERFEST, HE AND HIS WIFE ALSO ADOPTED A DOG WHILE THEY WERE THERE

**COUNCILMEMBER MOUTON -**

EXTENDED CONDOLENCES TO ANGIE THOMAS AND HER FAMILY ON THE LOSS OF HER AUNT, GO BIG RED, GO ASTROS

**CITY ATTORNEY COOPER -**

NONE

**CITY MANAGER HAYES -**

MADE COMMENTS IN REGARDS TO THE CASE THAT IS LISTED ON THE CONSENT AGENDA, ITEM B; ERIK KVARME VS. THE CITY OF BEAUMONT, STATED THAT THE CITY ATTORNEY'S OFFICE WASN'T INVOLVED IN THIS LAW SUIT, IT WAS CONTRACTED OUT

**MAYOR AMES -**

COMMENTED ON DOGTOBERFEST, ASKED THAT EVERYONE REMEMBER THAT THE REASON FOR DOGTOBERFEST IS TO PROMOTE BEAUMONT MAIN ST., AND THE DOWNTOWN AREA, THIS IS THEIR BIGGEST FUNDRAISER OF THE YEAR, STATED

SHE TRIED TO FIND OUT BEFORE THE MEETING HOW THEY  
DID, THEY AREN'T SURE AS OF YET

**Public Comments** (Persons are limited to three minutes)

**Landry Rountree**

**1565 S. Major Dr.**

**Beaumont TX**

Read a bible verse, stated to the Mayor that after his public comment earlier she stated that he made a statement that wasn't true, also stated to the Mayor that this is the second time that she has made a comment after he has spoken at the podium, would appreciate in the future if the Mayor would let his comments be heard without any comments from her afterwards

**Carol Riley**

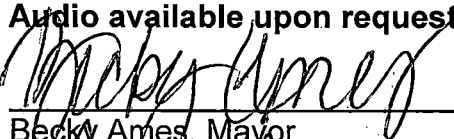
**800 Main St.**

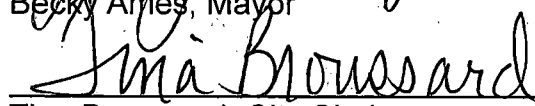
**Beaumont TX**

Stated that in an effort to raise funds and awareness for Breast Cancer Awareness for the month of October, the Beaumont Police Department will participate in Jefferson County Constable Christopher Bates' "Beards for Breast Cancer" campaign, though the campaign was intended for the month of October, Officer Riley stated that the department will continue it through the end of December, to participate, officers must donate at least \$10.00 to the Julie Rogers Gift of Life Program for each month they wish to take part through the end of the year, for those that donate, the department's policy prohibits facial hair, the policy will be temporarily suspended, she also wanted citizens to know what is going on in case they are pulled over and a police officer is wearing a beard

With there being no Executive Session, Council adjourned at 3:00 p.m.

**Audio available upon request in the City Clerk's Office.**

  
Becky Ames, Mayor

  
Tina Broussard, City Clerk

